REMARKS

The Preliminary Amendment is submitted in connection with a Continued Processing Application and is responsive to the Office Action dated July 23, 2001. Applicant's have elected to file the CPA, along with this amendment, in lieu of an appeal brief that was to be submitted pursuant to the Notice of Appeal that was filed on January 23, 2002.

Applicants have canceled claim 54 and amended claims 47, 49, 52, 53 and 55. The following remarks are directed to the amendment with reference to specific paragraphs of the Office action of July 23, 2001.

The New Matter Rejection (Paragraph 2)

The objectionable phrase "powder that is adapted to fuse into and form a permanent bond of the decorative enhancement composition as a whole" has been canceled and replaced with "polyethylene powder". Polyethylene powder is specifically disclosed in the descriptive and exemplary sections of this application as well as in the same sections of the parent application, Ser. No. 556,906, now U.S. Patent 5,746,961. It is believed that this amendment obviates the new matter rejection.

The Distinctly Claiming Rejection (Paragraph 4)

The same phrase cited above was also considered by the examiner to have failed the requirements of the second paragraph of 35 USC 112. Accordingly, cancellation of the objectionable phrase by this amendment obviates this rejection also. Additionally, claim 47 as amended recites:

> "heating said decorative enhancement composition and said polyethylene surface to

an elevated temperature and time sufficient to incorporate said decorative enhancement composition into said surface.."

This recitation specifically identifies that the enhancement composition is incorporated into the surface of the polyethylene object.

The obviousness rejection (35 U.S.C. 103) (Paragraph 6)

Contrary to the examiner's statement, WO96/23041 does not disclose a composition containing 5-95% polyethylene. In fact, polyethylene is not even mentioned or illustrated in any example of '041 as a useful powder.

In any event, '041 is not applicable as a prior art reference, as the claims of this application are supported in applicants' prior application, Serial No. 08/566,906, now U.S. patent 5,746,961. The examiner has stated that this application is not entitled to benefit of the filing date (Dec. 4, 1995) of the '906 application because the ranges of contents of the various ingredients of the coating composition disclosed in this application are not identical to the ranges for those ingredients disclosed in the '906 application.

The examiner's test to determine if the claims presented herein are entitled to benefit of the filing date of the '906 application is not proper; the only issue is whether or not the claims presented in this application find support in the '906 application.

The claims do not recite specific numerical ranges for the contents of the coating composition. Therefore, the test to determine if the numerical ranges disclosed in this application are found in the '906 application is

not relevant to the issue of support of those claims in the parent application.

There can be no question but that the parent application discloses an enhancement composition which comprises a liquid carrier, a colorant, the recited class of binders and polyethylene powder. Since all recited components of the composition are disclosed in the parent application, the composition as recited in claim 47 is supported in the parent application.

The examiner also considers that this application discloses application of the composition to a preformed polyethylene object and that this disclosure precludes support in the '906 application because that application discloses coating a mold surface with the coating composition from which the composition is transferred to the surface of the article during the molding step. In both methods, the coating composition combines with and becomes incorporated into the polyethylene surface of a molded polyethylene object.

The generic claim (47) does not recite coating a preformed polyethylene object, as contented by the examiner. The word "preformed" does not appear in claim 47. Instead, the claim recites combining the coating composition and a polyethylene surface. That combining is generic to the method of the '906 application and of this application.

Applicants have chosen to submit a generic claim to the methods of the applications in this continuation application. Subject only to a possible requirement for a terminal disclaimer, applicants are clearly entitled to submit the generic claim in this manner. As the generic

claim (47) is entitled to patentability, the dependent claims are similarly patentable.

The claims are of proper form and recite patentable subject matter over the prior art. Examination and allowance are respectfully requested.

Submitted,

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I certify that this correspondence is being deposited with the U.S. Postal Service Express Mail Post Office To Addressee service under 37 CFR 1.10 on April 22, 2002 and is addressed to the Commissioner Of Patents & Trademarks, Washington, D.C. 20231 with Express Mail Label No. EL179493130US

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CLAIMS AS AMENDED

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(For completeness, all pending claims are included)

47. (**Amended Herein-Thrice Amended)** A method for [permanent] decorative enhancement of a polyethylene surface of a molded polyethylene article, which method comprises the steps of:

(a) combining [incorporating] a decorative enhancement composition and [onto] said polyethylene surface wherein said decorative enhancement composition consists essentially of:

(1) a liquid carrier that provides the decorative enhancement composition with a consistency and viscosity for liquid methods of application;

(2) a colorant to impart a surface color;

(3) a binder selected from the group consisting of aromatic and aliphatic hydrocarbon resins, waxes, rosins, and terpene-based resins [to provide adhesion of the decorative enhancement composition to said polyethylene surface;] and

(4) polyethylene powder; and

(b) heating said decorative enhancement composition and said polyethylene surface [article] to an elevated temperature and time sufficient to incorporate [fuse] said decorative enhancement composition into said surface and produce a molded polyethylene article having said surface [a permanent] decoratively enhanced [surface characterized] by said [a] colorant. [fused into and permanently bonded in said polyethylene surface of said molded polyethylene article.]

48. The method of Claim 47 wherein said molded polyethylene article is a preformed, rotationally molded polyethylene article.

49. (Amended) The method of Claim 48 wherein said combining [incorporating] step is accomplished by applying said decorative enhancement composition to said preformed rotationally molded polyethylene article.

50. The method of Claim 49 wherein said heating step is accomplished by heating said decorative enhancement composition and said preformed rotationally molded polyethylene article to a

temperature and for a time sufficient to fuse said decorative enhancement composition to said preformed rotationally molded polyethylene article.

51. The method of Claim 47 wherein said liquid carrier comprises 20 to 90 weight percent of said decorative enhancement composition.

52. **(Amended)** The method of Claim 47 wherein [said first mixture of] said colorant, said binder and said particulate thermoplastic powder collectively comprise <u>a first mixture comprising</u> 10 to 80 weight percent of said decorative enhancement composition.

53. **(Amended)** The method of claim 52 wherein said colorant comprises 9 to 50 weight percent of said first mixture and said binder and said polyethylene powder collectively comprise 50 to 91 weight percent of said first mixture.

55. (Amended) The method of Claim <u>47</u> [53] wherein said [particulate thermoplastic powder comprises 70 to 30 weight percent of said second mixture and is selected from the group consisting of polyethylene, polypropylene, and ethylene-vinyl acetate co-polymers

wherein said] polyethylene powder has a density from 0.88 to 0.97 and a particle size no greater than 140 microns.